

REMARKS

Claims 1-22, 40, 43, 44, 51-59, and 77-94 are pending in the present application. In the present response, claim 91 has been amended to correct 35 USC §112 issues. A supplemental reissue oath/declaration is submitted herewith. Patentee believes that all outstanding issues have now been addressed and that the present application is now in condition for allowance. Prompt and favorable action is respectfully requested.

A. Amendment to the Claims

The claims presented herein have been marked in accord with 37 C.F.R. §1.173 such that matter to be omitted is enclosed in brackets and matter to be added is underlined>. Support for the amendments and new claims as required under 37 C.F.R. §1.173(c) is shown as follows:

Claim	Status	Support for Changes
Claim 1	Original	No change
Claim 2	No change	No change
Claim 3	No change	No change
Claim 4	No change	No change
Claim 5	No change	No change
Claim 6	No change	No change
Claim 7	No change	No change
Claim 8	No change	No change
Claim 9	No change	No change
Claim 10	No change	No change
Claim 11	Original	No change
Claim 12	No change	No change
Claim 13	No change	No change
Claim 14	No change	No change
Claim 15	Amended by the amendment filed on December 2, 2010 to address objections raised	Claim amended to address objections; no new matter.

Claim	Status	Support for Changes
	by the Examiner	
Claim 16	Amended by the amendment filed on December 2, 2010 to address objections raised by the Examiner	Claim amended to address objections; no new matter.
Claim 17	Original	No change
Claim 18	No change	No change
Claim 19	No change	No change
Claim 20	No change	No change
Claim 21	Original	No change
Claim 22	Original	No change
Claims 23 - 39	Cancelled	
Claim 40	New; added by the amendment dated June 14, 2001; amended by the amendment filed on December 2, 2010 to recite “transmit system status information during gaps in transmission by an active calling member, the system status information comprising an indication of the active calling member and a queue of calling members who have provided PTT requests” and “a telephone network interface for establishing a telephone connection with the calling member over a channel of said PTT private network.”	col. 5 lines 26-36; col. 7 lines 30-46

Claim	Status	Support for Changes
Claims 41-42	Cancelled	
Claim 43	New; added by the amendment dated June 14, 2001.	no change
Claim 44	New; added by the amendment dated June 14, 2001; amended by the amendment filed on December 2, 2010 to recite “means for transmitting system status information during gaps in transmission by the current active member, the system status information comprising an indication of the current active member and a queue of calling members who have provided PTT requests.”	col. 7 lines 30-46
Claims 45-50	Cancelled	
Claim 51	New; added by the amendment dated September 17, 2004; amended by the amendment filed on December 2, 2010 to add “a network controller operative to transmit system status information during gaps in transmission by an active calling member, the system status information comprising an indication of the active calling member and a queue of calling members who have provided PTT requests.”	col. 7 lines 30-46
Claim 52	New; added by the amendment dated September 17, 2004	No change

Claim	Status	Support for Changes
Claim 53	New; added by the amendment dated September 17, 2004; amended by the amendment filed on December 2, 2010 to change “further comprising a network controller” to “wherein the network controller is configured to...”	claim amended for antecedent basis; no new matter
Claim 54	New; added by the amendment dated September 17, 2004	No change
Claim 55	New; added by the amendment dated September 17, 2004	No change
Claim 56	New; added by the amendment dated September 17, 2004	No change
Claim 57	New; added by the amendment dated September 17, 2004	No change
Claim 58	New; added by the amendment dated September 17, 2004	No change
Claim 59	New; added by the amendment dated September 17, 2004	No change
Claims 60-76	Cancelled	

Claim	Status	Support for Changes
Claim 77	New; added by the amendment dated September 17, 2004; amended by the amendment filed on December 2, 2010 to add “transmitting system status information during gaps in transmission by the member, the system status information comprising an indication of the member and a queue of requesting members who have provided PTT requests”	col. 7 lines 30-46
Claim 78	New; added by the amendment dated September 17, 2004; amended by the amendment filed on December 2, 2010 to change “comprise” to “comprises”	claim amended for clarity; no new matter
Claim 79	New; added by the amendment dated September 17, 2004	No change
Claim 80	New; added by the amendment dated September 17, 2004	No change
Claim 81	New; added by the amendment dated September 17, 2004	No change
Claim 82	Added by the amendment dated November 13, 2009	No change
Claim 83	Added by the amendment dated November 13, 2009	No change
Claim 84	Added by the amendment dated November 13, 2009	No change
Claim 85	Added by the amendment dated November 13, 2009	No change
Claim 86	Added by the amendment dated November 13, 2009	No change

Claim	Status	Support for Changes
Claim 87	New; added by the amendment filed on December 2, 2010; corresponds to claim 40	Column 4 line 59 to Column 5 line 26; Column 6 lines 33-56; Fig. 2; Col. 5 lines 26-36; Col. 7 lines 30-46
Claim 88	New; added by the amendment filed on December 2, 2010; corresponds to claim 40	Column 4 line 59 to Column 5 line 26; Column 6 lines 33-56; Fig. 2; Col. 5 lines 26-36; Col. 7 lines 30-46
Claim 89	New; added by the amendment filed on December 2, 2010; corresponds to claim 44	Column 4 line 59 to Column 6 line 33; Fig. 2; Col. 7 lines 30-46
Claim 90	New; added by the amendment filed on December 2, 2010; corresponds to claim 44	Column 4 line 59 to Column 6 line 33; Fig. 2; Col. 7 lines 30-46
Claim 91	New; added by the amendment filed on December 2, 2010; corresponds to claim 51; amended herein to change “the communication group” to “a communication group” and “the switch” to “a switch”	Column 4 line 59 to Column 6 line 56; Column 10 lines 5-37; Fig. 2; Col. 7 lines 30-46
Claim 92	New; added by the amendment filed on December 2, 2010; corresponds to claim 51	Column 4 line 59 to Column 6 line 56; Column 10 lines 5-37; Fig. 2; Col. 7 lines 30-46
Claim 93	New; added by the amendment filed on December 2, 2010; corresponds to claim 77	Column 4 line 59 to Column 5 line 26; Column 7 line 53 to Column 8 line 20; Fig. 2; Col. 7 lines 30-46
Claim 94	New; added by the amendment filed on December 2, 2010; corresponds to claim 77	Column 4 line 59 to Column 5 line 26; Column 7 line 53 to Column 8 line 20; Fig. 2; Col. 7 lines 30-46

B. Interview

Patentee appreciates the opportunity to discuss, on January 31, 2011, the Examiner's request for an updated consent of assignee.

C. Allowable Subject Matter

Patentee gratefully acknowledges the Examiner's allowance of claims 1-22, 40, 43, 44, 51-59, 77-91, 93, and 94. As noted below, Patentee believes that claim 92 is allowable and that the Examiner intended to indicate that claim 91 is rejected. Patentee has addressed the remaining issues with respect to claim 91 and the reissue oath, and respectfully request allowance of all pending claims.

C. Rejection under 35 U.S.C. §112

The Office Action rejected claim 93 under 35 U.S.C. §112, second paragraph, as being indefinite. Patentee respectfully requests reconsideration of this ground of rejection.

Patentee notes that the Office Action Summary (page 1) indicates that claim 92 is rejected. Patentee has reviewed claims 92 and 93 and believes that the Examiner intended to reject claim 91. Patentee as amended claim 91 to change "the communication group" to "a communication group" and "the switch" to "a switch," as outlined in the Office Action. Patentee requests withdrawal of this ground of rejection.

D. Oath/Declaration

The Office Action states that a new oath or declaration is required. Patentee submits a new oath herewith. The Office Action also states that a new consent of assignee is required per MPEP 1410.01. Patentee filed a consent of assignee on June 14, 2001 and believes that MPEP 1410.01 does not provide for a “new” consent of assignee. Nevertheless, to expedite allowance of this reissue application, a new consent of assignee is submitted herewith.

Conclusion

In light of the amendments contained herein, Patentee submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 2011-03-02

By: /Raphael Freiwirth/
Raphael Freiwirth
Reg. No. 52,918
(858) 651-0777

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502